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7 TANYER VAKILI,  
8 Plaintiff,

9 v.  
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11 DEPARTMENT OF HOMELAND  
12 SECURITY, et al.,  
13 Defendants.

14 Case No. 15-cv-04894-KAW

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28 **REPORT AND RECOMMENDATION  
TO DISMISS CASE WITHOUT  
PREJUDICE FOR FAILURE TO PAY  
FILING FEE; ORDER REASSIGNING  
CASE**

Re: Dkt. No. 1

Plaintiff commenced the above-captioned case on October 23, 2015. (Compl., Dkt. No. 1.) He also filed an application to proceed in forma pauperis. (IFP App., Dkt. No. 2.) The Court denied the application with leave to amend and ordered Plaintiff to (a) file an application that was completed in full or (b) pay the filing fee by no later than December 16, 2015. (Nov. 13, 2015, Dkt. No. 4.) As of the filing of this report and recommendation, Plaintiff has not paid the filing fee or filed a completed application. Nor has Plaintiff responded to the Clerk's Consent/Declination Notices. (Clerk's Notices, Dkt. Nos. 5, 6.) Accordingly, the undersigned now recommends that this case be DISMISSED WITHOUT PREJUDICE for failure to pay the filing fee. Furthermore, because Plaintiff has not consented to magistrate judge jurisdiction, this case shall be REASSIGNED to a district judge.

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1 Any party may file objections to this report and recommendation with the district judge  
2 within fourteen days after being served with a copy. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b);  
3 Civil L.R. 72-3. Failure to file objections within the specified time may waive the right to appeal  
4 the District Court's order. *IBEW Local 595 Trust Funds v. ACS Controls Corp.*, No. C-10-5568  
5 EDL, 2011 WL 1496056, at \*3 (N.D. Cal. Apr. 20, 2011).

6 IT IS SO RECOMMENDED.

7 Dated: 02/26/16

  
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KANDIS A. WESTMORE  
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11 United States Magistrate Judge  
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